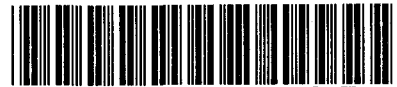


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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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MAR 14 2011

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

ARIZONA CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF INTELEPEER, INC. FOR APPROVAL
OF CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE RESOLD
LONG DISTANCE, RESOLD LOCAL
EXCHANGE, FACILITIES-BASED LONG
DISTANCE AND FACILITIES-BASED
LOCAL EXCHANGE
TELECOMMUNICATION SERVICES.

DOCKET NO. T-20695A-09-0387

PROCEDURAL ORDER
SETTING HEARING DATE

BY THE COMMISSION:

On August 7, 2009, IntelPeer, Inc. ("IntelPeer" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance, resold local exchange, facilities-based local exchange, and facilities-based long distance telecommunication services in Arizona. IntelPeer's application also requests a determination that its proposed services are competitive within the State of Arizona.

On September 4, 2009, the Commission's Utilities Division ("Staff") issued its First Set of Data Requests to IntelPeer.

On October 2, 2009, IntelPeer filed responses to Staff's First Set of Data Requests and provided a corrected page to its application, additionally requesting authority to provide switched access telecommunication services in Arizona.

On December 7, 2009, Staff issued its Second Set of Data Requests to the Company.

On January 6, 2010, IntelPeer filed responses to Staff's Second Set of Data Requests.

On January 31, 2011, Staff filed a Staff Report recommending approval of IntelPeer's application, subject to certain conditions.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern

1 the preparation and conduct of this proceeding.

2 IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall
3 commence on **May 12, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
4 offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

5 IT IS FURTHER ORDERED that **IntelPeer shall publish notice** of the application and the
6 hearing date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in
7 which IntelPeer desires to provide service, **by April 4, 2011.**

8 **IN THE MATTER OF THE APPLICATION OF INTELEPEER, INC.**
9 **FOR APPROVAL OF CERTIFICATE OF CONVENIENCE AND**
10 **NECESSITY TO PROVIDE RESOLD LONG DISTANCE, RESOLD**
11 **LOCAL EXCHANGE, FACILITIES-BASED LONG DISTANCE,**
12 **FACILITIES-BASED LOCAL EXCHANGE, AND SWITCHED**
13 **ACCESS TELECOMMUNICATION SERVICES.**
14 **(DOCKET NO. T-20695A-09-0387)**

15 On May 6, 2009, IntelPeer Access, LLC ("IntelPeer") filed with the Arizona
16 Corporation Commission ("Commission") an application for approval of a Certificate
17 of Convenience and Necessity ("CC&N") to provide resold long distance, resold
18 local exchange, facilities-based local exchange, and facilities-based long distance
19 telecommunication services in Arizona. IntelPeer also petitioned the Commission
20 for a determination that its proposed services are competitive in Arizona.
Subsequently, IntelPeer amended its application to seek authority also to provide
switched access telecommunication services in Arizona. The Commission's Utilities
Division ("Staff") has recommended approval of IntelPeer's application, subject to
certain conditions. The Commission will issue a Decision following consideration of
testimony and evidence presented at an evidentiary hearing. The Commission is not
bound by the proposals made by IntelPeer, Staff, or any intervenors. IntelPeer will
be required to provide service under the rates, charges, terms, and conditions
established by the Commission. Copies of the application, Staff Report, and any
written objections to the Staff Report filed by IntelPeer or intervenor(s) will be
available at IntelPeer's offices [insert address] and on the internet via the
Commission website (www.azcc.gov) using the e-docket function.

21 The Commission will hold a hearing on IntelPeer's application on **May 12, 2011, at**
22 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Room ____,
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.
Written public comments may be submitted via email (go to
23 <http://www.azcc.gov/Divisions/Utilities/consumerservices.asp> for instructions) or by
24 mailing a letter referencing Docket No. T-20695A-09-0387 to: Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington Street, Phoenix,
AZ 85007. If you require assistance, you may contact the Consumer Services Section
25 at 1-800-222-7000 or 602-542-4251.

26 The law provides for an open public hearing at which, under appropriate
27 circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
28 to intervene. If you would like to intervene, you must file a written motion to
intervene with the Commission, and you must send copies of the motion to IntelPeer

or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. The name, address and telephone number of the proposed intervenor and of any person upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 18, 2011. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal at SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **IntelePeer shall file an Affidavit of Publication** with the Commission **no later than April 18, 2011**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene shall be filed by **April 18, 2011**.

IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by **May 2, 2011**.

IT IS FURTHER ORDERED that **IntelePeer or any intervenor** shall file specific disagreements/comments, if any, regarding the Staff Report or application by **May 2, 2011**.

IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the Commission and admission pro hac vice**.

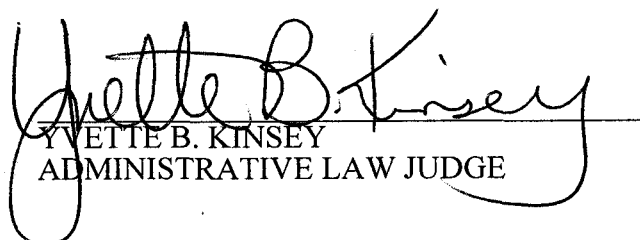
IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

1 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
2 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
3 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
4 Law Judge or the Commission.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
6 Communications) applies to this proceeding and shall remain in effect until the Commission's
7 Decision in this matter is final and non-appealable.

8 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
9 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

10 Dated this 14 day of March, 2011.

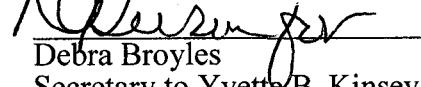
11
12
13 
14 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 14th day of March, 2011 to:

17 Ronald Del Sesto, Jr.
18 Mr. Nguyen T. Vu
19 BINGHAM MCCUTCHEN LLP
2020 K Street NW
Washington, DC 20006

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By: 
Debra Broyles
Secretary to Yvette B. Kinsey

22 Janice Alward, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
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25 Steven M. Olea, Director
26 Utilities Division
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